

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

REGINALD EDWARDS
TDCJ-CID #902341

v.

OSCAR MENDOZA, ET AL.

§
§
§
§
§

C.A. NO. C-08-371

ORDER

Plaintiff is a state inmate who filed a civil rights action pursuant to 42 U.S.C. § 1983.

Pending is plaintiff's motion for an extension of time to file a response. (D.E. 21).

On January 27, 2009, defendants filed an answer. (D.E. 14). In plaintiff's pending motion, he seeks an extension of time to file a reply to the answer as well as a response to the motion to dismiss. (D.E. 21).

Rule 7 of the Federal Rules of Civil Procedure addresses the filing of pleadings, including the filing of answers. In relevant part, it states:

There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

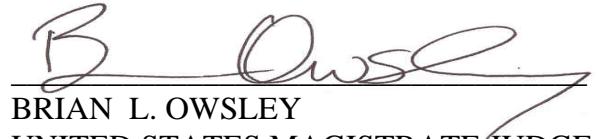
Fed. R. Civ. P. 7(a) (emphasis added). Rule 7 was created in order to make federal litigation more efficient. 5 Charles Alan Wright & Arthur R. Miller Federal Practice and Procedure § 1181 (3d ed. 2004).

Pursuant to the Federal Rules of Civil Procedure, a reply to an answer is unnecessary. Garner v. Morales, 237 F.R.D. 399, 400 (S.D. Tex. 2006) (citation omitted). “More important,

Rule 7(a) establishes that plaintiffs may not file a reply to an answer except in specific circumstances” generally a court order for such a reply. Id. (citations omitted).

Rule 7(a) provides judges with discretion to allow the filing of a reply to an answer. Here, however, plaintiff has failed to provide any reason a reply is necessary. “Indeed, such replies typically do not enhance the efficiency of the litigation.” Id. (citation omitted). Accordingly, plaintiff’s motion for an extension of time to file a reply to defendants’ answer, (D.E. 21), is hereby DENIED.

ORDERED this 27th day of February 2009.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE